

CHAPTER NO. 639

SENATE BILL NO. 1438

By Person

Substituted for: House Bill No. 896

By Buck, Briley

AN ACT To amend Tennessee Code Annotated, Title 17, Chapter 2, Part 3, relative to senior justices and judges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 17-2-302(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Any former supreme court justice, judge of an intermediate appellate court, or judge of a state court of record who has at least eight (8) years of creditable service as a state justice or judge may request to be designated as a senior justice or judge.

SECTION 2. Tennessee Code Annotated, Section 17-2-302, is amended by deleting from subdivision (b)(1) the language and punctuation "as of the date of retirement,".

SECTION 3. Tennessee Code Annotated, Section 17-2-303(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) If the Supreme Court, in its discretion, determines that a former justice or judge is physically and mentally capable of performing valuable judicial service on a continuing basis and that the justice's or judge's service will promote the effective administration of justice, then the Supreme Court shall cause an appropriate commission to be issued under its seal for the period provided in subsection (c); however, no such commission shall be issued to any former justice or judge who, during his or her most recent term of judicial service, sought re-election or retention but was defeated in such re-election or retention bid.

SECTION 4. Tennessee Code Annotated, Section 17-2-305(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(a)(1) Senior justices and judges shall receive a salary calculated upon the amount of time the senior justice or judge actually worked. The rate of payment shall be based upon the current compensation of the former office held by the senior justice or judge. Provided, that where a senior justice or judge is receiving a retirement allowance under any retirement program administered by the Tennessee consolidated retirement system, the total combined annual amount of retirement allowance and annual salary received as a senior justice or judge cannot exceed the current annual compensation of the office from which the justice or judge retired.

SECTION 5. Tennessee Code Annotated, Section 17-2-305(b)(1), is amended by inserting the following language and punctuation immediately preceding the final period:

, except as provided in subdivision (b)(2)

SECTION 6. Tennessee Code Annotated, Section 17-2-305(b)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(b)(2) Any senior justice or judge who has not attained the maximum creditable service under the retirement system to which he or she belongs shall be entitled to receive credit in such system for service as a senior justice or judge, provided that:

(A) Such senior justice or judge elects to receive such credit by notice to the board of trustees of the Tennessee consolidated retirement system; and

(B) Such senior justice or judge authorizes the deduction of the applicable contributions as set forth under Tennessee Code Annotated, Title 8, Chapter 37, Part 2.

SECTION 7. Tennessee Code Annotated, Section 17-2-305(b), is amended by adding the following language as a new, appropriately designated subdivision:

(3) Such service shall be based on the actual work performed and shall be added to the creditable service of such senior justice or judge. On July 1 of each year, such senior justice's or judge's retirement benefits shall be adjusted according to the retirement system to which he or she may belong, as appropriate.

SECTION 8. Tennessee Code Annotated, Section 17-2-307, is amended by deleting the section in its entirety and by substituting instead the following:

17-2-307. A former justice or judge who is engaged in the practice of law at the time of such designation as a senior justice or judge shall conclude all legal practice as soon as practicable on a timetable approved by the chief justice. The chief justice may, if warranted, withhold the issuance of the senior justice or judge's commission pending resolution of all or any part of the former justice or judge's practice.

SECTION 9. During fiscal year 2001-2002, this act shall be implemented exclusively from funds provided for the senior judge program by the provisions of Chapter Nos. 435 and 464 of the Public Acts of 2001. In subsequent fiscal years, this act shall not be construed or implemented in any manner that requires increased funding for the senior judge program beyond the rate of inflation.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 17, 2002


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 24th day of April 2002


DON SUNDQUIST, GOVERNOR